

Town of Mosel, Sheboygan County, Wisconsin

**AN ORDINANCE AMENDING CHAPTER 7
OF THE TOWN OF MOSEL MUNICIPAL (ZONING) CODE
TO CREATE AN AGRICULTURAL ENTERPRISE ZONING DISTRICT
AND TO AMEND RELATED USES**

WHEREAS, Town residents and landowners have sought to use agricultural land for agritourism and farm-based entrepreneurial uses; and

WHEREAS, the Town Plan Commission has recommended the creation of an Agricultural Enterprise zoning district to allow for such uses while maintaining the Town's rural character and preserving productive farmland; and

WHEREAS, the Town Board has determined that amending the Town Zoning Code accordingly would promote the public health, safety, welfare, and convenience of the Town and its inhabitants;

NOW, THEREFORE, the Town Board of the Town of Mosel, Sheboygan County, Wisconsin, does ordain as follows:

Section 1. Amending Code Sections. Chapter 7 of the Municipal (Zoning) Code of the Town of Mosel is amended as set forth in the attachment "AE – Agricultural Enterprise District; Draft v. 4 9/22/17", which is incorporated herein by reference.

Section 2. Amending Code Section. Paragraph 7.05.A.(1)(b) of the Municipal (Zoning) Code of the Town of Mosel is hereby amended with the addition of the following:

- (ii) Aquaponics [inserted after (i); remaining subparagraphs renumbered]

Section 3. Amending Code Section. Paragraph 7.05.A.(1)(b)(vii) (as renumbered pursuant to the preceding Section 2 of this Ordinance) of the Municipal (Zoning) Code of the Town of Mosel is hereby amended to read as follows (additions indicated by underlining):

- (vii) Horticulture—Outdoor (cultivation of fruits, vegetables, flowers, ornamental plants)

Section 4. Severability. Should any portion of this Ordinance or the affected municipal code sections be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 5. Effective Date. This Ordinance shall take effect the day after publication or posting.

Enacted: **October 18, 2017**

TOWN OF MOSEL

Aaron Anger, Town Chair

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Board of Supervisors of the Town of Mosel on the date indicated above.

Dated: _____, 2017

Sue Born, Town Clerk/Treasurer

Posted on _____, 2017 by _____.

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[Insert into 7.02 B. DEFINITIONS]

AGRICULTURAL PRODUCTS

Includes but is not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); aquaponics products; horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.

AGRICULTURAL PRODUCTS, VALUE-ADDED

The enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to, marketing, agricultural processing, transforming, packaging; and educational presentation, activities, and tours that relate to agriculture or agricultural products.

AGRICULTURALLY RELATED PRODUCTS

Items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to, all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and other items promoting the farm and agriculture in Wisconsin, and value-added agricultural products and on-site production.

NON-AGRICULTURALLY RELATED PRODUCTS

Those items not connected to farming or the farm operation, such as novelty T-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.

AGRICULTURALLY RELATED STRUCTURES

Those structures that predominantly store or support agricultural products, uses, or equipment, such as barns, silos, coops, cribs, sheds, cellars, granaries, stables, mills, farmhouses, etc.

AGRITOURISM

The visiting of an agribusiness, horticultural, or agricultural operation for recreational or educational purposes related to the activities and/or products of the operation.

AGRITOURISM RELATED ACTIVITIES

Those activities that predominantly use agricultural products, structures, or equipment, such as pony rides, horseback riding, petting zoos, fishing ponds, ornamental gardens, corn mazes, straw mountains, pumpkin patches/rolling, barn dances, sleigh/hay/wagon rides, bonfires, and educational events, such as farming and food preserving classes, etc.

NON-AGRITOURISM RELATED ACTIVITIES

Activities that are part of an agricultural tourism operation's total offerings but not tied to farming. Such non-agriculturally related activities include carnivals, concerts,

weddings, reunions, celebrations, meetings, retreats, etc. and must be held within an event barn or similar facility for which a conditional use has been granted.

BED AND BREAKFAST BUSINESS

A building other than a hotel or motel in which accommodations, with or without meals, is offered to transient guests for compensation and in which there are no more than four (4) sleeping rooms providing accommodations for no more than eight (8) adults and four (4) children total, with no cooking facilities in any guest room or common guest space. The building is also the residence of the owner of the business.

BREWERY, MICRO- / NANO- / PICO-

The manufacturing premises of an alcoholic beverage permittee regulated by the Wisconsin Department of Revenue that brews no more than 10,000 U.S. beer barrels (310,000 gallons) in one calendar year. May include retail/wholesale of beverage and related products, as well as a tasting room.

CABIN, RENTAL

A small house or cottage, usually of simple design and construction, for the temporary (maximum stay of 21 days) occupancy by guests. Cabins may contain a full kitchen and bath but may not exceed 2,000 square feet of floor space.

CIDER MILL

The manufacturing premises of an alcoholic beverage permittee regulated by the Wisconsin Department of Revenue where apples are processed into cider, and that produces no more than 10,000 gallons of cider in one calendar year. May include retail/wholesale of beverage and related products, as well as a tasting room.

COMMERCIAL KITCHEN

A small-scale food processing and/or sales facility licensed by the Wisconsin Department of Agriculture, Trade and Consumer Protection.

COMMUNITY SUPPORTED AGRICULTURE (CSA)

A farm supported in full or in part by individuals from the surrounding region who pledge their monetary and/or physical assistance to the farm operation in exchange for shares of the harvest.

DISTILLERY (MICRO-)

The manufacturing premises of an alcoholic beverage permittee regulated by the Wisconsin Department of Revenue that produces no more than 10,000 gallons of distilled spirits in one calendar year. Also known as "Farm-to-Flask" or "Grain to Glass." May include retail/wholesale of beverage and related products, as well as a tasting room.

EVENT BARN

A barn or barn-like building used for the occasional hosting of agriculturally related and non-agriculturally related activities.

FARM MARKET / ON-FARM MARKET / FARM DIRECT MARKETING

The sale of agricultural products or value-added agricultural products, at least fifty percent (50%) of which was produced on-site, directly to the consumer.

FARMER'S MARKET

A market (e.g., group of stalls and/or booths) where vendors sell agricultural products, value-added agricultural products, and agriculturally related products directly to consumers.

LODGE

A building other than a hotel or motel in which accommodations, with or without meals, is offered to transient guests for compensation and in which there are no more than eight (8) sleeping rooms providing accommodations for no more than sixteen (16) adults and eight (8) children total, with no cooking facilities in any guest room or common guest space.

MEADERY

The manufacturing premises of an alcoholic beverage permittee regulated by the Wisconsin Department of Revenue that brews no more than 1,000 U.S. beer barrels (31,000 gallons) of mead in one calendar year. May include retail/wholesale of beverage and related products, as well as a tasting room.

RENT-A-TREE OPERATION

An orchard that sells in advance the potential yield of a specific tree(s) to an individual(s) or group who harvests the fruit of their tree at the end of the growing season. The orchard operators are typically responsible for the care of the tree, such as pruning and watering.

RURAL CHARACTER

Rural character consists of a pleasant, quiet landscape of open spaces, natural areas, farms, wildlife, historic features, and small-scale development with low densities and traffic levels, unobtrusive signage, and limited lighting.

SEASONAL

A recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready; not all year round.

SEASONAL SIGN

A sign erected for a limited period of time during the year when retailing activities for a particular farm product is available to the public.

U-PICK OPERATION

A fruit or vegetable-growing farm that provides the opportunity for customers to pick their own fruits or vegetables directly from the plant.

WINERY, BOUTIQUE

The retail and/or manufacturing premises of an alcoholic beverage permittee regulated by the Wisconsin Department of Revenue that produces no more than 10,000 cases (23,780 gallons) in one calendar year. May include retail/wholesale of beverage and related products, as well as a tasting room.

[Insert into 7.05 DISTRICT REGULATIONS]

G. A-E AGRICULTURAL ENTERPRISE DISTRICT

The purpose of this district is to allow agritourism and farm-based entrepreneurial uses while maintaining rural character, preserving farmland, and protecting the health, safety, and welfare of citizens. Further, this district was created to enable increased contributions to the local economy and tax base; to provide standard definitions related to agritourism and farm-based business operations; to provide a list of activities that are eligible for conditional use permit consideration; and to provide a clear understanding of the expectations for these uses for operators, landowners and residents, and local officials.

(Note: The A-E District is not part of the Town's Farmland Preservation Zoning.)

No building or use shall hereafter be established or enlarged within the A-E Agricultural Enterprise District unless it conforms to the following regulations, except for such building or use identified and regulated in Section 7.07 ACCESSORY USES.

(1) Permitted Uses

- (a) All uses permitted in the A-1 Prime Agricultural District, provided the minimum land area is equal to or greater than twenty (20) acres. If the land area is less than twenty (20) acres, all permitted uses in the A-1 District shall be conditional uses in A-E, except as provided in subsections (b) through (e) below.
- (b) Single-family dwellings. Any such dwelling must comply with the requirements set forth in Section 7.01 D(3) Area, Yard, and Building Bulk Requirements. The dwelling must be located so as to preserve productive farmland.
- (c) Horticulture, excluding greenhouses and plant nurseries
- (d) Crop and tree farming
- (e) Keeping of riding horses, ponies, or donkeys in private stables; and livestock and poultry in suitable enclosed buildings, with a maximum of five (5) head of livestock and/or twenty (20) fowl per acre.

(2) Conditional Uses - Refer to Section 7.06 CONDITIONAL USES.

(3) Area, Yard, and Building Bulk Requirements

- (a) **Minimum lot area:** Five (5) acres, unless otherwise specified for particular conditional uses.
- (b) **Minimum lot width:** Two hundred fifty (250) feet.
- (c) **Front yard setbacks:** Not less than seventy-five (75) feet from the centerline of the adjacent road.
- (d) **Side and rear yard setbacks:** Not less than twenty-five (25) feet each.
- (e) **Maximum building height:** No building used for dwelling purposes shall be more than thirty-five (35) feet in height.
- (f) **Minimum setback for livestock buildings:** No building serving to house livestock or poultry shall be closer than fifty (50) feet to the lot line of an adjoining lot in a district permitting residential use.

[Insert into 7.06 CONDITIONAL USES]

T. CONDITIONAL USES IN A-E AGRICULTURAL ENTERPRISE DISTRICT

(1) General Requirements

The following requirements shall apply to all agritourism uses unless additional or more stringent requirements are listed for a particular use elsewhere in this Section, in which case the more restrictive shall apply.

- (a) Federal, State, County Approvals – Any uses and/or structures requiring licenses, permits, or other approvals from any entity other than the Town of Mosel shall have obtained said approval(s) prior to applying for a conditional use permit.
- (b) Road Weight Restrictions – All vehicles related to the agritourism use shall comply with applicable road weight restrictions.
- (c) Lot Size – If part of a lot is sold, and the remaining lot is less than the minimum required size for a particular conditional use(s), such conditional use(s) shall be no longer be allowed.
- (d) Number of Conditional Use Permits – A separate conditional use permit will be required for each use or group of uses that is operated by a separate individual.
- (e) Hours – Unless stated otherwise in subsection (2) Conditional Uses, the hours that conditional uses in the A-E District are available to the public are limited to 9:00 a.m. to 7:00 p.m. Extended hours may be negotiated with the Town for special circumstances.
- (f) Structures – All structures intended for a use listed in subsection (2) Conditional Uses shall meet the following criteria:
 - (i) The uses listed in subsection (2) that require interior space shall only be housed in agriculturally related structures or in structures or expansions to structures completed prior to July 1, 2017; however, structures or expansions completed after July 1, 2017 are allowed if the square footage of the new structure or expansion does not exceed twenty-five percent (25%) of the square footage of existing structures on the same lot as of July 1, 2017.
 - (ii) The exterior and interior style, design, and décor of any new or renovated structure shall be consistent with the Town's rural character.
 - (iii) The location and operation of any new or expanded structure shall not interfere with normal agricultural practices on and off site or convert prime agricultural lands to a non-agricultural use.
- (g) Parking – All structures, uses, and activities dependent on vehicular access shall meet the following criteria:
 - (i) Safe vehicular access and customer parking shall be provided on-site or on an adjacent property on the same side of the road if a formal agreement is reached between the applicant and the adjacent landowner.
 - (ii) Parking shall be designed in such a way that vehicles do not need to back off of or onto a public road.
 - (iii) Parking areas that are accessed by driveways or lanes inside the property are recommended. Entries and exits to parking areas that directly access a

public roadway shall require a driveway permit from the Town of Mosel or Sheboygan County, whichever applies.

- (iv) Parking areas shall be defined by gravel, cut grass, sand, or other visible marking.
- (v) Parked vehicles shall be located outside public right-of-ways and at a minimum distance of forty (40) feet from the road pavement edge abutting the property.
- (vi) Parked vehicles shall be located at least forty (40) feet from side and rear property lines.
- (vii) Conditional use applicants shall include a parking plan, drawn to scale, with their application materials that shows the following:
 - (a) Extents of parking areas and vehicle capacity.
 - (b) Estimate of the peak number of vehicles for normal business operations.
 - (c) A plan for overflow parking for events expected to exceed the normal peak number of vehicles.
- (h) Signs
 - (i) All signs related to this district shall conform with the applicable standards listed in Section 7.10 Signs of the Town of Mosel Zoning Ordinance.
- (i) Lighting
 - (i) Any exterior lighting installed related to an agritourism use or activity shall be appropriately shielded and directed generally downwards to minimize light pollution.
- (j) Noise
 - (i) All agritourism uses shall abide by the limitations specified in Section 5.13 of the Town of Mosel Municipal Code regarding noise regulations.

(2) Conditional Uses

- (a) Agritourism related ~~uses~~ activities
- (b) Bed and Breakfast Businesses
 - (i) The only meal served shall be breakfast, and food service shall be limited to overnight guests. There shall be no cooking facilities in any guest room or common guest space.
 - (ii) Up to four (4) sleeping rooms and provide accommodations for up to eight (8) adults and four (4) children.
- (c) Breweries, micro- / nano- / pico-
 - (i) Maximum interior visitor capacity is 30 persons at any one time.
- (d) Cabins, rental
 - (i) Sleeping capacity for all units in total not to exceed twelve (12) persons.
 - (ii) Maximum cabin size is two thousand (2,000) square feet and one-and-a-half (1½) stories.
- (e) Cafés, Delicatessens, Diners, Eateries
 - (i) At least fifty percent (50%) of the menu items must be derived from ingredients grown, raised, or produced within ten (10) miles of the site.
 - (ii) Maximum interior visitor capacity is 30 persons at any one time.
- (f) Cider mills
 - (i) Maximum visitor capacity is 30 persons at any one time.

- (g) Commercial kitchens
 - (i) At least fifty percent (50%) of the processed items must be derived from ingredients grown, raised, or produced within ten (10) miles of the site.
- (h) Community supported agriculture (CSA)
 - (i) Distilleries, micro-
 - (i) Maximum interior visitor capacity is 30 persons at any one time.
- (j) Event barns
 - (i) The frequency of events that include activities using sound amplification shall be limited to one Friday or Saturday night every other weekend. Event frequency may be negotiated with the Town for special circumstances.
 - (ii) Dates, times, durations, and descriptions of upcoming events shall be provided in a timely and convenient manner to nearby residents and Town officials when requested.
 - (iii) Event hours are limited to 7:00 a.m. to 7:00 p.m. Monday through Thursday, 10:00 a.m. to 10:00 p.m. Friday and Saturday, and 10:00 a.m. to 6:00 p.m. Sunday. Extended hours may be negotiated with the Town for special circumstances.
 - (iv) Capacity is limited to two hundred and fifty (250) persons at any one time.
 - (v) Existing barns may be renovated for this use, but not expanded. No barns built after July 1, 2017 may be used for this purpose.
 - (vi) Minimum setback is one hundred (100) feet from any adjacent landowner's property line.
 - (vii) Minimum tract size is ten (10) acres.
- (k) Farm markets, On-farm markets, Farm direct marketing
 - (i) At least fifty percent (50%) of agricultural products or value-added agricultural products produced on-site.
 - (ii) Maximum retail space is 1,200 square feet.
- (l) Farmer's markets
 - (i) Such markets shall be limited to two (2) days within a single week.
 - (ii) Dates, times, durations, and descriptions of upcoming markets shall be provided in a timely and convenient manner to nearby residents and Town officials when requested.
 - (iii) Markets are limited to 8:00 a.m. to 7:00 p.m. Monday through Friday, 8:00 a.m. to 5:00 p.m. Saturday, and 9:00 a.m. to 3:00 p.m. Sunday. Extended hours may be negotiated with the Town for special circumstances.
 - (iv) Each stall and/or booth is limited in size to one hundred and forty-four (144) square feet of ground floor space.
 - (v) Minimum setback is one hundred (100) feet from any adjacent landowner's property line.
 - (vi) Minimum tract size is ten (10) acres.
- (m) Livestock show
 - (i) Shows shall be limited to three (3) days within a single week.
 - (ii) Dates, times, durations, and descriptions of upcoming shows shall be provided in a timely and convenient manner to nearby residents and Town officials when requested.

- (iii) Shows are limited to 7:00 a.m. to 7:00 p.m. Monday through Thursday, 10:00 a.m. to 9:00 p.m. Friday and Saturday, and 10:00 a.m. to 6:00 p.m. Sunday. Extended hours may be negotiated with the Town for special circumstances.
 - (iv) Capacity is limited to two hundred and fifty (250) persons at any one time.
 - (v) Minimum setback is one hundred (100) feet from any adjacent landowner's property line.
 - (vi) Minimum tract size is ten (10) acres.
- (n) Lodges
 - (i) Up to eight (8) sleeping rooms and provide accommodations for up to sixteen (16) adults and eight (8) children.
 - (ii) Minimum tract size is ten (10) acres.
- (o) Meaderies
 - (i) Maximum interior visitor capacity is 30 persons at any one time.
- (p) Museums
 - (i) At least fifty percent (50%) of the exhibits must be related to agriculture, horticulture, or agribusiness.
- (q) Nature trails
- (r) Rent-a-tree operations
- (s) U-pick operations
- (t) Wineries, boutique
 - (i) Maximum interior visitor capacity is 30 persons at any one time.